THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, the 23rd day of January, 2007

W.P.No.14673 of 1995

Between:

K. Pandarinath … Petitioner

and

The Hyderabad Metropolitan
Water Supply & Sewerage Board,
rep. by its Managing Director,
Khairatabad, Hyderabad-4 and
another … Respondents

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W.P.No.14673 of 1995

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in withholding the pension of the petitioner from November,1994 onwards without conducting any enquiry as arbitrary and illegal.

It appears, the petitioner retired from the service of the respondent-Board on medical grounds with effect from 31-3-1992 as Lineman. While he was in service, he was asked to stay in an asbestos structure consisting of one room situated behind the Boats Club water-pumping house, lower Tank Bund Road, belonging to the respondents. According to the petitioner, after his retirement, he had handed over the keys of the quarter to the Section Officer. His pension was also sanctioned vide Proceedings dated 18-8-1992 of the Chief General Manager (P&A) of the respondent-Board. While so, more than two years after his retirement, he was issued with a charge memo dated 17-10-1994 alleging that he had handed over the keys of the said quarter situated at Boats Club to the Management of Viceroy Hotel, and management of the Hotel dismantled the quarter causing loss to the Board. The petitioner submitted a reply to the show cause notice on 26-10-1994. Petitioner further stated that he was not responsible for any of the acts of dismantlement of the quarter. He was having very poor eye sight and is not even in a position to move out freely. He also stated that in view of his age and health condition, he

could not have taken part in dismantling of quarter. Thereafter, no enquiry was conducted and the pension of the petitioner was withheld from the month of November,1994 onwards. Hence, this Writ Petition.

It is the contention of the learned counsel for the petitioner that no enquiry was conducted before ordering withdrawal of pension of the petitioner and even otherwise, no disciplinary action can be taken after retirement against the petitioner and the action of the respondents is high handed and illegal.

No counter affidavit is filed.

There is no necessity of going into all the details. As early as on 13-7-1995 while admitting the Writ Petition, this Court directed the respondents to release the monthly pension of the petitioner including arrears from November,1994 onwards forthwith, pending further orders. Now, it is more than 11 years. No counter is filed and none appears for the respondents. In view of the above, the interim Order passed on 13-7-1995 shall be treated as a final Order and the respondent-Board shall pay pension to the petitioner, if there are no other hurdles in their way.

Accordingly, the Writ Petition is disposed of. No order as to costs.

23-1-2007

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